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IN THE

Supreme Court of the United States

October Term, 1951

No. 708

JAMES B. ARMSTRONG, *Petitioner,*

v.

WAR CONTRACTS PRICE ADJUSTMENT BOARD, *Respondent.*

MOTION TO SUBSTITUTE UNITED STATES OF AMERICA AS RESPONDENT IN PLACE OF WAR CONTRACTS PRICE ADJUSTMENT BOARD.

Now comes the petitioner by his attorneys and moves this Honorable Court to substitute the United States of America as respondent in place of the War Contracts Price Adjustment Board, and for reasons therefor states as follows:

1. By Act of Congress of March 23, 1951, 50 U. S. C. A. App. 1231, the War Contracts Price Adjustment Board was abolished.

2. Sub-paragraph (k) of the foregoing paragraph provides, "This section shall take effect sixty days after the date of the enactment of this Act (March 23, 1951)."

3. Sub-paragraph (h) of said paragraph provides in part as follows: "but any court having on its docket a case to which the War Contracts Price Adjustment Board is a party, on motion or supplemental petition filed at any time within twelve months after the effective date of this section, showing a necessity for the survival of such suit, action, or other proceeding to obtain a determination of the questions involved, may allow the same to be maintained by or against the United States."

4. There is a necessity for the survival of this proceeding as set forth in detail in the petition for Writ of Certiorari.

5. It is respectfully submitted that the foregoing motion should be granted.

Respectfully submitted,

FREDERICK H. KOSCHWITZ,
WILLIAM F. KELLY,
P. J. J. NICOLAIDES,
RICHARD H. NICOLAIDES,
Counsel for Petitioner.

A copy of the foregoing motion was served upon the United States of America, by leaving a copy thereof at the Office of the Solicitor for the United States, Department of Justice, Washington, D. C. on May 2, 1952.

P. J. J. NICOLAIDES.